

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL PETITION NO. 2881 OF 2004
St. Shanti Prakash High School
Gandhinagar, Kolhapur ..Petitioner
Vs.
Assistant Provident Fund Commissioner ..Respondent
Mr. M.S. Topkar for petitioner.
CORAM: B.H. MARLAPALLE, J.
Date : August 18, 2006.

P.C.:

1. Heard Mr. Topkar the learned counsel for the petitioner.

2. The petitioner has an alternative remedy of filing an appeal under the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 and when such a statutory remedy is available, this petition need not be entertained.

3. The petitioner is, therefore, relegated to the remedy of appeal and the petition is disposed off as not maintainable with liberty to file an appeal.

4. Stay to continue for a period of eight weeks
subject to petitioner depositing an additional amount
of Rs.1,00,000/- with the respondent no.1 within a
period of two weeks. The amount already deposited
with the Registry of this Court be transferred to
respondent no.1 forthwith.

(B.H. Marlapalle,J.)